



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6037 of 2019

A.Seenivasakan

...Petitioner

Vs.

1.The Director of Medical and Rural Health Services,
Thenampet, Chennai - 6.

2.The Joint Director of Health Services,
Government Head Quarters Hospital,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the salary of the petitioner for the promotion post of Plaster Technician with effect from 9.12.2014 being dated of joining in the promotion post as per the proceedings of the 2nd respondent, dated 4.12.2014, with monetary and other service benefits in terms of Rule 22 B of the Fundamental Rule.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Mahendran
Additional Government Pleader

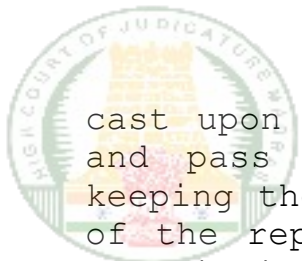
O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.Since the petitioner's request to the respondents to pay the salary of the petitioner for the promotion post of Plaster Technician with effect from 09.12.2014 being dated of joining in the promotion post as per the proceedings of the 2nd respondent, dated 04.12.2014, with monetary and other service benefits in terms of Rule 22 B of the Fundamental Rule, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 28.02.2019, which is still pending.

3. It is needless to point out that whenever a representation is made to a Statutory Authority, there is a duty of service to be provided.

<https://hcds.hcds.gov.in/hcds/>



cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 28.02.2019, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondents to consider the petitioner's representation dated 28.02.2019, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*



To

1.The Director of Medical and Rural Health Services,
Thenampet, Chennai - 6.

2.The Joint Director of Health Services,
Government Head Quarters Hospital,
Dindigul.

+1 CC to SPL GP (SR-9188[F] dated 05/03/2021)

W.P. (MD) No.6037 of 2019

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KM (23.03.2021) 3P 4C